

they are exempt and you save by not paying overtime. There is gimmick after gimmick on how they can basically get around it. I said this on the floor. This is like the IRS issuing advice to tax cheats on how to cheat on their income taxes.

Mr. DURBIN. Under the Bush administration, we have lost 3 million jobs, we have seen thousands and thousands more manufacturing jobs lost in your State and mine—probably gone forever to China and other places, and then this Department of Labor, for the first time in history, decides that hard-working Americans will not be paid overtime and says 8 million of these Americans stand to lose their overtime pay. If the Senator from Iowa will help me, if we could tell those following this debate, what kind of workers are we talking about? I heard Senator KENNEDY say we are talking about nurses and we are talking about people who are involved in firefighting and police protection.

Mr. HARKIN. That is right.

Mr. DURBIN. These are the people, unless protected through a collective bargaining agreement, who could lose their overtime pay. I say to the Senator, I don't know what it is like in his State, but we are desperate for nurses in my State. We are looking all over the world to bring in nurses. Along comes the Bush administration saying here is a way, incidentally, for this hospital to stop paying overtime to nurses. It is a tough profession being a nurse, demanding. We count on them when somebody in our family is ill. What is going on here when we are cutting overtime for nurses? Why would this administration make that part of their economic policy?

Mr. HARKIN. Well, it is one way some unscrupulous employers—I would not say all—will be helped. Again, I must say to my friend that prior to this rule being issued last year by the administration, and even during the debate on this last year, I never had one employer in my State come up to me and say we need that. Not one. Obviously, there are some someplace who want to get it changed. They must have very close friends in the White House. This is one way of working people longer hours. American workers now work a longer work week than any other workers in any other industrialized country right now. Now they want to work them longer and not pay them overtime.

Mr. DURBIN. To close this chapter completely, I want the Senator to tell us about the legislative history. Didn't you ask us to vote on this on the floor of the Senate? Didn't you ask us to say to the administration, no, you cannot cut 8 million people off of overtime. Didn't the Senate decide that? What happened?

Mr. HARKIN. We had a vote here last summer to basically keep this rule from going into effect. It passed the Senate on a bipartisan vote.

Mr. DURBIN. To protect workers.

Mr. HARKIN. Yes, to protect them and their right to overtime. The House of Representatives earlier passed a bill and it lost by about four votes. After we passed it, it went back to the House and they had a big vote to instruct conferees. In other words, telling their conferees to go along with the Senate provision on this. So we had that. We went to conference and before the conference came to this issue, the gavel was banged and we were never invited back. Guess what. What we voted on here and what the House agreed to disappeared, because the administration came in and said they didn't want it in the big appropriations bill we passed a couple weeks ago. So they thwarted the will of Congress, and of the conferees who never got to vote on the issue. Most important, they thwarted the will of the American people. But I have an amendment in my desk drawer and every appropriate opportunity this Senator gets, I am going to offer it here on the Senate floor because American workers deserve to have their overtime protected—nurses, firefighters, police officers, ordinary working people all over America. If they are going to be asked to give up their premium time with their families, they deserve time and a half.

Mr. DURBIN. I will say this and I will yield the floor. We have a mutual friend, Congressman DAVID OBEY of Wisconsin, who has a favorite saying on the floor of the House about Members of Congress posing for "holy pictures." In this situation, with the vote the Harkin amendment asked for in the Senate, Democrats and Republicans said we are against this Bush policy of cutting 8 million Americans off of overtime pay, and then the House of Representatives in instructing conferees said we are against this Bush policy, so that all of us were posing for this big group picture—holy picture—on how we are standing with American workers.

In a matter of 5 minutes, as the gavel is struck in the conference committee, the Bush White House prevailed and this rule striking overtime for 8 million American workers is signed into law by the President. Is that the final result, until your amendment comes along, I hope?

Mr. HARKIN. The final result is the rules are still pending. They have not implemented them yet. As I understand it, they want to get the rules finalized by March, which is next month. So they want to finalize the rules, put them out there, and it is going to be very hard for us to turn them back again. But we will. The American people will not stand for having their overtime pay protection taken away. Time and a half, for time over 40 hours a week is something every American worker deserves. Some families rely on that extra time. They give up premium time and they work longer so they make a little extra money to get their kids through school. Now we are going to say we are going to work you longer,

but we are not going to pay you overtime. The American people won't buy that. We are going to continue to fight here to protect their overtime rights.

Mr. DURBIN. I thank the Senator for this dialog about the budget and about issues involving working families in America. I thank him for his leadership time and, again, whether on special education, funding for college expenses, or protecting American workers on overtime, he has been a leader in the Senate and he will continue to be. There is much more that needs to be said about this budget. At this point, I will defer to others who want to join in this conversation.

I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for about 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thank my friend for his kind words and reciprocate by thanking him for his leadership on the floor and in our caucus, and for always being here to respond and make sure we have the information we need on which to base our votes. We served together in the House and we are together in the Senate, and I could not ask for a better neighbor either here or across the Mississippi River.

I will close by again saying this—and I will have more to say about this later. The budget the President has proposed is just one that will harm America. It is going to harm our workers, increase our deficit and, quite frankly, it is going to put in jeopardy the Social Security and Medicare system.

It is a shame all this has been squandered in just 4 years. I believe we in the Senate need to respond, we need to say no to this Bush budget, and we need to have a budget that puts us back on the path we were on just 4 short years ago.

With that, we can have a budget that will be in balance, and we can have a future that is much brighter for our workers, for our children, and for our elderly.

Mr. President, I will have more to say about the budget in the coming days and weeks before the budget resolution is brought to the floor.

I thank the Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the

Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred on April 13, 2001, in San Antonio, TX. A 39-year-old man was attacked in a park because he was thought to be homosexual. After stopping to examine some rocks, the victim was approached by a man with a knife who held him in a bear-hug before stabbing him in the chest. The attacker used anti-gay slurs as he attacked his victim.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### ADDITIONAL STATEMENTS

##### RETIREMENT OF JUDGE BARZ

• Mr. BAUCUS. Mr. President, I rise today to honor a good friend of mine, Judge Diane Barz, who is retiring from her successful career as a Yellowstone County District Court Judge.

Judge Barz is a remarkable woman who has enjoyed a distinguished and wonderful career as a member of the Montana Bar. Judge Barz' career is notably one of "firsts." She was the only woman in her University of Montana Law Class of 1968, was the first female law clerk to the Montana Supreme Court, started the first "female" law firm with her colleague Doris Poplar in 1973, was the first woman district court judge, and youngest, and the first female attorney appointed to the bench of the Montana Supreme Court.

Judge Barz has not only been an exemplary attorney and member of the bench, she has been a role model for women and champion for children. Anyone who has worked with Judge Barz knows that what ever she does, she does it with a leading role. Judge Barz has been instrumental in the development of your court in Montana as we know it today. She doesn't just sit back—she gets the job done! As a member of the bench, she has been gentle and compassionate with children and families when the circumstances required it, but she could be as tough as nails when justice demanded it. Most importantly, Judge Barz always aspired to do what was right for the children and families of Montana. We have all been well served by her. •

##### TRIBUTE TO JOSEPH E. LETA

• Mr. ALLARD. Mr. President, I rise to pay tribute to Joseph E. Leta, whose endless enthusiasm and energy promoted many of Colorado's sportsmen's organizations. Mr. Leta, who passed away on January 14, 2004, was a cham-

pion of wildlife and conservation programs. Joe was a lifetime member of numerous sporting organizations which included in Safari Club International, SCIF Sables, Rocky Mountain Bighorn Sheep Foundation, The Mule Deer Foundation, The Elk Foundation, The Alaskan and Canadian Outfitters Association, The Wild Turkey Federation, and The National Rifle Association.

He had a particular passion for Safari Club International and served as President of the SCI Denver Chapter until September 2003. Concurrently and subsequent to his tenure as Chapter President, he was also very active at the National level for SCIF by serving on the Ethics Committee, The Conservation Committee, The Guides and Outfitters Committee, Director of SCIF Nominating Committee, Governmental Affairs Committee, Convention Committee, Humanitarian Committee, and as a Director at Large.

In recognition of Joe's years of dedicated service, the Safari Club International will posthumously present him with the President's Award at SCI's 32nd Annual Hunters' Convention in Reno, NV in January 2004.

As president of the SCI Denver Chapter, he inaugurated the establishment of the SCI Denver Sables, which is a club venue for sports women and men dedicated to preserving our hunting heritage through education. Joe recently proposed that the SCI Denver Chapter establish a scholarship fund for needy junior and senior college students who major in wildlife and conservation management. As a tribute to Joe, the Board of Directors approved the proposal and named the fund The SCIF Sables Joe Leta Hunting Heritage Scholarship Fund.

During Joe's tenure as SCI Denver Chapter President, he presided over such club accomplishments as promoting the Sportsmen Against Hunger Program, which distributed over 3,000 pounds of fresh salmon to Colorado's various humanitarian food banks. He also presided over several revenue generating programs for the benefit of the Colorado Division of Wildlife by promoting big game hunting licenses. Numerous wildlife students at Colorado State University have received educational grants from the SCI Denver Chapter under Joe's direction.

Joe was even instrumental in helping the Wyoming Game and Fish Department by directing SCI funds to construct an anti-poaching cabin in one of Wyoming's more remote regions where unlawful hunting was a problem. Joe was also a champion of the newly formed Colorado Sportsman's Caucus which is a sportsman's support group that interfaces with members of the Colorado Legislature on hunting, fishing and various other outdoor and wildlife issues.

After graduating from Youngstown University and completing a tour of duty in the U.S. Air Force as an x-ray technician, Joe joined Picker International as a sales representative for

their Medical Imaging Equipment Division. He retired from Picker after 30 years of service as a regional sales manager.

Joe Leta was born July 16, 1931 in New Castle, PA as the only child of Joseph and Edith Leta. His wife of 49 years, Shirley and their three children, Joseph, Jr., Christopher, Lisa (Charles) Stanley, and one grandchild, Lacy, survive him.

Joe and Shirley resided in Evergreen, CO for the past 26 years and they are members of Christ the King Catholic Church and the Hiwan Golf Club in Evergreen, Colorado. •

#### MESSAGE FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3724. An act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures.

H.J. Res. 84. Joint resolution recognizing the 93d birthday of Ronald Reagan.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 354. Concurrent resolution to correct technical errors in the enrollment of the bill S. 610.

The message further announced that the House agree to the amendments of the Senate to the bill (H.R. 2264) to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2264. An act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3724. An act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures; to the Committee on Banking, Housing, and Urban Affairs.

The following bill was read, and referred as indicated: